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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hans-Michael EGGENWEILER et al.

Examiner: Laura Stockton

Serial No.: 10/750,878

Group Art Unit: 1626

Filed: January 5, 2004

Title: IMIDAZOLE DERIVATIVES AS PHOSPHODIESTRASE VII INHIBITORS

AMENDMENT AND REPLY TO REQUIREMENT FOR RESTRICTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Requirement for Restriction mailed March 28, 2005, Applicants hereby elect, as a single species, 1-phenyl-[1]benzopyrano[3,4-d]imidazol-4-(1H)-one. Moreover, as a single method of use, Applicants hereby elect a method of treatment of tumor growth. The Requirement for Restriction is respectfully traversed.

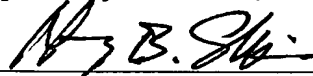
The Requirement for Restriction is respectfully traversed, inasmuch as no basis for the need for an election of a compound, or of a single method, has been given in the Office Action, and it is submitted that it would not be an undue burden to search all the compounds in the method of claim 5. Moreover, once the compounds are found to be patentable, *all* of the methods are *per se* patentable, thus, there is no additional burden to examine these method claims, as well. In the absence of any additional burden, it is submitted that the election requirement should be withdrawn.

In any event, it is also submitted that, should no prior art be found which supports the rejection of the elected species, the search should be extended to the full scope of the claim, as

mandated by Markush practice under M.P.E.P. §803.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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